

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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|---------------------------------|---|-----------------|
| In the Matter of the Petition |) | |
| for Termination of Probation of |) | |
| |) | OAH No. N-27618 |
| RICHARD E. BEHYMER, M.D. |) | |
| |) | |
| Petitioner. |) | |
| _____ |) | |

DECISION

The matter came on for hearing before a panel of the Medical Quality Review Committee on September 11, 1986, in Sacramento, California. Muriel Evens, Administrative Law Judge of the Office of Administrative Hearings presided.

Petitioner Richard E. Behymer was present and represented himself.

Constance Barton, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Evidence was received, the hearing was closed and the matter was submitted.

After consideration, the panel makes the following decision.

FINDINGS OF FACT

I

Petitioner Richard E. Behymer was issued physician's and surgeon's certificate number C-0363670 in 1975. Effective January 20, 1984, petitioner's certificate was suspended for one year. The suspension was stayed and petitioner placed on probation upon certain terms and conditions. One of the conditions prohibited the running of one year probation during residency or practice outside of California.

II

Petitioner's certificate was disciplined for planting, cultivating, harvesting and possessing marijuana in 1981 and permitting marijuana to be grown on his property and with his knowledge.

III

In July, 1984, petitioner moved to Wheeling, West Virginia to begin a three year residency in family practice. He has been denied a license to practice medicine in West Virginia due to his probationary status in California. The failure to have a West Virginia license impedes petitioner's ability to experience some essential elements of his training.

IV

As part of a residency program, petitioner's work is constantly supervised. He is no longer involved in the use of marijuana.

DETERMINATION OF ISSUES

The evidence establishes that petitioner is rehabilitated. Petitioner has established good cause for the termination of his probation.


ORDER

The Petition for Termination of Probation is granted. Petitioner's physician's and surgeon's certificate is restored without restriction.

This Decision shall be effective October 23, 1986.

IT IS SO ORDERED this 23rd day of October, 1986.

By


ROBERT E. MAURER, M.D.
Chairperson